

FILED

2017 MAR -7 PM 2:35

CLERK U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
SANTA ANA

BY LAW

1 James Steven Davis
2 6801 Western Ave, Unit A
3 Buena Park, CA 90621
text/voice 951.261.0799
email jsdllg@gmail.com

4 Plaintiff In Pro Se

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8 **UNITED STATES DISTRICT COURT**
9 CENTRAL DISTRICT OF CALIFORNIA, SANTA ANA

10 JAMES STEVEN DAVIS

11 Plaintiff In Pro Se

12 V.

13 CITY OF BUENA PARK; JOSH
14 ROSEN; BRIAN HADLEY;
15 GREGORY P. PALMER;

16 Does 1 to 10, Inclusive

17 Defendants

Case No.

SACV17-00400 FMO (SK)

VERIFIED
COMPLAINT FOR

1. FEDERAL CIVIL RIGHTS FOR
INJUNCTIVE RELIEF
TO ENFORCE DUE PROCESS RIGHTS,
VIOLATION OF 5TH AND 14TH
AMENDMENTS, ACCESS TO COURTS;
INTERFERENCE WITH
CONSTITUTIONAL RIGHTS TO
EMPLOYMENT; PROPERTY
OWNERSHIP AND ASSOCIATION

2. CALIFORNIA BANE ACT, CIVIL
CODE SECTION 52.1 PROTECTION

42 USC § 1983 et. al.
Ca. Civil Code Section 52.1

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24 VERIFIED COMPLAINT TO
25 ENFORCE CONSTITUTION RIGHTS
26 OPENING SUMMARY

27 1. THE FIRST DUTY OF GOVERNMENT: PROTECTION,
28

JSD/BP 42 USC 1983, Bane Act
Complaint

LIBERTY AND THE FOURTEENTH AMENDMENT

STEVEN J. HEYMAN

(A.B. 1979, J.D. 1984, Harvard University.)

"The first duty of the Government is to afford protection to its citizens."1
CONG. GLOBE, 39th Cong., 2d Sess. 101 (1867) (remarks of Rep. Farnsworth)
(debating Reconstruction Act of 1867).

2. U.S. Supreme Court in *DeShaney v. Winnebago County Dep't of Social Servs.*, 489 U.S. 189, 191-93 (1989), That clause, "is phrased as a limitation": "It forbids the State itself to deprive individuals of life, liberty, or property without 'due process of law'"

PARTIES AND JURISDICTION

3. Plaintiff James Steven Davis (hereinafter "JSD") is a resident of Buena Park, California. Plaintiffs's Constitutional Rights and Defendant's violations of 18 USC 241, 18 USC 242 and 42 USC 1983 mostly occurred within Buena Park or had primary effects in Buena Park within the last year.

4. Defendant City of Buena Park (hereinafter CBP) is a organized municipality located in the County of Orange, State of California. Defendant Josh Rosen is a high ranking agent employee of CBP and committed many violations of JSD Constitutional Rights in CBP. Defendant Rosen as a history of similar violations of the Civil Rights of other person, in CBP and other Cities. At least one such action is currently pending. Based on the continuing pattern of violation JSD requests an order that Defendant no longer hold any employment or other business relationship with any Government Entity. Defendant Brain Hadley, is CBP Building Official and is working with the other Defendants to violate JSD rights.

5. Defendants named as Does 1 to 10, Inclusive are persons whose violations of JSD Rights are not yet known and/or their names and relationship

JSD/BP 42 USC 1983, Bane Act
Complaint

1 with the other Defendants are not yet know. JSD reserves the ability to amend
2 this Action to add their identifies when learned by JSD.

3 6. This Complaint is for Declaratory and Injunctive Relief only. No
4 Damages are sought at this time, but no wavier of such damages expressed or
5 implied is made by JSD at this time.

6 FIRST CAUSE OF ACTION

7 REQUEST FOR DECLARATORY RELIEF AND INJUNCTIVE RELIEF 8 FOR PROTECTION OF RIGHTS INCLUDING FREEDOM TO CONTRACT

9 7. U. S. SUPREME COURT AND THE FREEDOM TO CONTRACT. The
10 Court, for example, invalidated a law regulating the size of bread loaves (Jay
11 Burns Baking v. Bryan, 264 U.S. 504 [1924]), and a law establishing an
12 ice monopoly in Oklahoma (New State Ice v. Liebmann, 285 U.S. 262 [1932]).
13 The Court also expanded its protection of liberty of contract to include private
14 school attendance (Pierce v. Society of Sisters, 268 U.S. 510 [1925]), and
15 foreign language instruction (Meyer v. Nebraska, 262 U.S. 390 [1923]),
16 threatened by nativist legislation. Even so, the Court upheld most of the
17 laws that came before it, including such far-reaching interferences with freedom
18 of contract as exclusionary zoning (Euclid v. Ambler Realty, 272 U.S. 365
19 [1926]), and broad regulation of the railroad labor market (Texas & New
20 Orleans Railroad v. Brotherhood of Railway and Steamship Clerks, 281 U.S. 548
21 [1930]).

22 8. JSD is under contract with the White Horse Family Rights Council, Inc,
23 a California Non-profit public benefit company, to serve as the Chief Executive
24 Office and Real Property Manager for the Corporation.

25 9. Such real property includes a modular building located in the Western
26 parcel of 6801 Western Ave, Unit B, Buena Park, Ca. See that attached
27 recorded Grant Deed, which is a true and correct copy and is incorporated by
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1 request for judicial notice as a Government Document and by incorporation.

2 10. White Horse Family Rights Council, Inc was contracted by the First
3 Southern Baptist of Buena Park, Pastor Dr Wiley Drake, to contest the
4 threatened destruction of the modular building by Defendant CBP and it's
5 defendant agents, including Josh Rosen. White Hose took Title, possession and
6 control of the modular building Under this contract JSD took over the building
7 and so advised the Defendants.

8 11. Defendants CBP, Rosen and others disregard the Contract Rights and
9 employment rights of JSD. These defendants took over control of the building,
10 boarded it up and "red tagged" threatening JSD and others with arrest if JSD
11 entered the building claiming the building was unsafe and impossible to repair.

12 12. A primary duty of JSD is to find building rehabilitation companies to
13 and make any and all repairs to bring the building up to code. JSD has started
14 performance of the contract duty by contacting Spectra Company, Pomona CA,
15 experts is restoration of historic buildings, including the Orange County Historic
16 Court House, Santa Ana.

17 13. Defendants refuse to let JSD give access to the building to Spectra
18 or anyone else. Violation of JSD Due Process Rights Defendants "red tagged"
19 the building without conducting a hearing first, even know no emergency
20 condition exists and there is no risk whatsoever to the Public.

21 14. JSD has demanded access to the White Horse building and the
22 Defendants have refused such a request and continue to violate JSD rights.

23 15. JSD asks the Court to issue any and all Temporary Restraining
24 Orders, Preliminary Injunctions and Permanent Injunctions to protect his Rights
25 from the Defendants. JSD also requests a Protective Order giving JSD
26 responsible period of time to retain a Building restoration Company and have
27 them complete the work and have the building certified and licensed for use for
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1 the non-profit purposes.

2 SECOND CAUSE OF ACTION, PROTECTION OF
3 CIVIL RIGHTS UNDER THE STATE OF CALIFORNIA

4 CONSTITUTION, THE BANE ACT, CIVIL CODE SEC 52.1 et. al.

5 16. JSD realleges paragraphs 1 to 15 above and incorporated same.

6 17. The California State Constitution provides for the following
7 mandatory rights. These rights are enforceable by way of a Bane Act
8 complaint.

9 18. The State of Constitution states:

10 CALIFORNIA CONSTITUTION

11 ARTICLE I DECLARATION OF RIGHTS [SECTION 1 - SEC. 32] (Article 1
12 adopted 1879.)

13 SECTION 1. All people are by nature free and independent and have inalienable
14 rights. Among these are enjoying and defending life and liberty, acquiring,
15 possessing, and protecting property, and pursuing and obtaining safety,
16 happiness, and privacy.

17 (Sec. 1 added Nov. 5, 1974, by Proposition 7. Resolution Chapter 90, 1974.)

18 ARTICLE 1, SECTION 4

19 Free exercise and enjoyment of religion without discrimination or preference are
20 guaranteed. This liberty of conscience does not excuse acts that are licentious
21 or inconsistent with the peace or safety of the State. The Legislature shall make
22 no law respecting an establishment of religion

23 Article 1, Section 7

24 (a) A person may not be deprived of life, liberty, or property without due
25 process of law or denied equal protection of the laws

26 Article 1, Section 19

27 (a) Private property may be taken or damaged for a public use and only when
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1 just compensation, ascertained by a jury unless waived, has first been paid to,
2 or into court for, the owner. The Legislature may provide for possession by the
3 condemner following commencement of eminent domain proceedings upon
4 deposit in court and prompt release to the owner of money determined by the
5 court to be the probable amount of just compensation

6 Article 1, Section 26

7 The provisions of this Constitution are mandatory and prohibitory, unless by
8 express words they are declared to be otherwise.

9 19. Although the City is acting as if this is a private property taking
10 action under Article 1, Section 19 the Defendants have not paid to White
11 Horse or deposited into a court just compensation first. JSD believes that
12 amount covering the building, real property under the building, contents of
13 the building and access license to the property is worth at least \$1 million
14 dollars which has not been paid as required by Section 19.

15 20. Compliance by the Defendants with the State Constitution Article
16 and Sections above is Mandatory under Section 26.

17 21. JSD requests any remedy available available under the Bane Act,
18 but not 42 USC 1983 be granted to him in this action.

19 Wherefore Plaintiff James Steven Davis prays as follows:

20 1. For the issuance of an immediate Temporary Restraining Order to
21 stop Defendants interference with JSD Due Process Rights, Property Rights
22 and Freedom of Contract Rights.

23 2. For the issuance of a Preliminary Injunctive Order to stop
24 Defendants interference with JSD Due Process Rights, Property Rights and
25 Freedom of Contract Rights.

26 3. For the issuance of a Permanent Injunctive Order to stop
27 Defendants interference with JSD Due Process Rights, Property Rights and
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JSD/BP 42 USC 1983, Bane Act
Complaint

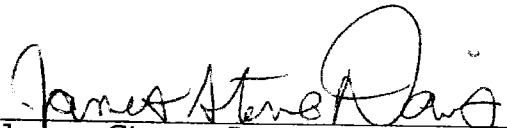
1 Freedom of Contract Rights.

2 4. For issuance of Protective Order so Defendants may not
3 discriminate and/or threaten JSD with any acts or omissions for JSD
4 enforcement of his Civil Rights.

5 Executed under the Penalty of Perjury per Federal and State Law that
6 the above is true and correct to the best of Plaintiff's knowledge and belief.

7 March 6, 2017

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9 By


James Steven Davis,
Plaintiff In Pro Se

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Attachment One;
Grant Deed First Southern Baptist Church to White Horse Family Rights Council, Inc

RECORDING REQUESTED BY

White Horse Family Rights Council, Inc.

AND WHEN RECORDED MAIL DOCUMENT TO:Attn Dr. J. Steven Davis
6801 Western Ave
Buena Park, CA 90621Recorded in Official Records, Orange County
Hugh Nguyen, Clerk-Recorder
 32.00
* \$ R 0 0 0 9 0 7 0 3 4 0 \$ *
2017000067759 12:30 pm 02/16/17

48 414 G02 F13 2

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Space Above This Line for Recorder's Use Only

A.P.N.: 276-382-08.00

File No.: _____

GRANT DEED

The Undersigned Grantor(s) Declare(s): DOCUMENTARY TRANSFER TAX \$ _____; CITY TRANSFER TAX \$ _____;

- [] computed on the consideration or full value of property conveyed, OR
 [] computed on the consideration or full value less value of liens and/or encumbrances remaining at time of sale,
 [] unincorporated area; [] City of _____, and

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,
[a gift, donation from a charity to another charity]

First Southern Baptist Church of Buena Park, a non-profit corporation, CA 90621, Chief Executive Officer, Wiley S. Drake

hereby GRANTS to

White Horse Family Rights Council, Inc a non-profit charity corporation

the following described property in the City of Buena Park _____, County of Orange _____, State of California:

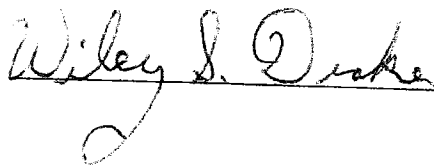
A sub-division of the parcel located at 6801 Western Ave. Buena Park, CA 90621 commonly referred to as the "Dormitory Building" and the parcel of real property on which it is built.

Legal description is The South 200.00 feet of the North 320.00 feet of lot 19 of Whitaker's Addition to Buena Park, in the City of Buena Park, County of Orange, state of California as per map recorded in book 23 page 10 of miscellaneous records, in the office of the county recorder of Los Angeles County, California, including the West 10.00 feet of that portion of Western Avenue adjoining said land on the East which the Board of Supervisors of said Orange County on July 5, 1916, a certified copy of which was recorded in book 10 page 273 of Miscellaneous Records in the office of the county of said Orange County. EXCEPT the west 127.95 feet thereof. ALSO EXCEPT the east 24.00 feet thereof.

A.P.N.: _____

File No.: _____

Dated: Feb. 15, 2017


Mail Tax Statements To: **SAME AS ABOVE**

RECORDING REQUESTED BY

White Horse Family Rights Council, Inc.

AND WHEN RECORDED MAIL DOCUMENT TO:

Attn Dr. J. Steven Davis
6801 Western Ave
Buena Park, CA 90621

Space Above This Line for Recorder's Use Only

A.P.N.: 276-382-08.00

File No.: _____

GRANT DEED

The Undersigned Grantor(s) Declare(s): DOCUMENTARY TRANSFER TAX \$ _____; CITY TRANSFER TAX \$ _____;

[] computed on the consideration or full value of property conveyed, OR

[] computed on the consideration or full value less value of liens and/or encumbrances remaining at time of sale,

[] unincorporated area; [] City of _____, and

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,
[a gift, donation from a charity to another charity]

White Horse Family Rights Council, Inc, a non-profit charity corporation, James S. Davis

hereby GRANTS to

First Southern Baptist Church of Buena Park, CA 90621 a non-profit charity corporation

the following described property in the City of Buena Park _____, County of Orange _____, State of California:

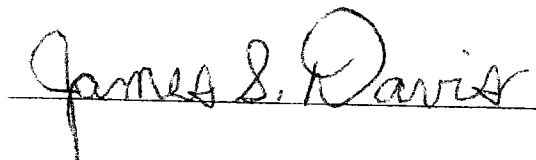
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A.P.N.: _____

File No.: _____

Dated: Feb. 15, 2017



Mail Tax Statements To: **SAME AS ABOVE**

Grant Deed - continued

Date: Feb. 15, 2017

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF California)SS
COUNTY OF Orange)

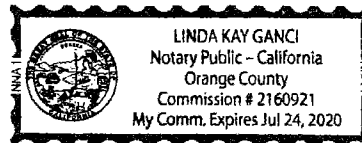
On February 16th 2017, before me, Linda Kay Ganci, Notary Public, personally appeared James S. Davis, Chief Executive Officer, White Horse Family Rights Council, Inc Buena Park, CA 90621, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature

Linda Kay Ganci



This area for official notarial seal